NEWS

Winchester officials review Washington/Swanton 40B project

NEIL ZOLOT | CORRESPONDENT

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The town is reviewing a proposed 40B project at the intersection of Washington and Swanton streets.
WINCHESTER NEWS STAFF PHOTO/NELL ESCOBAR COAKLEY

Town officials are just beginning to review a proposed 40B apartm
complex at the intersection of Washington and Swanton streets.

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"This was a meet and greet for the project," Town Counsel Jay Talerman said at a Zoning Board of Appeals meeting on May 21, in reference to a presentation by developer Jay Melanson of the Melanson Development Group (MDG).

Melanson is proposing a mixed-use building with 60 rental units and commercial space, for 278-292 Washington St. and 12 and 16-20 Swanton St., the sites of abandoned commercial space.

"We are providing several resident amenities, with a focus on promoting and supporting car-free activities," about 2,000 pages of material submitted to the ZBA and Planning Board reads. "Parking areas to be provided with significant access to electric vehicle charging controls, with the option for future expansion of this capability.

"Bicycle rack/storage areas will be provided for convenient active access by residents. A bike pump/maintenance tower will be installed in the garage area for residents," the documents continued. "Depending on the final tenant(s) for the retail space, cycling amenities can additionally be installed in the front walk area for neighborhood use.

"Dedicated areas for resident's trash, recycling, and composting, and for commercial trash will be provided in common collection areas," documents added. "We are providing optional secure, pay-per-use storage cubbies for residents in the lower garage area."

MDG attorney Mark Vaughn said a commercial component would "reflect the history of the site" and MDG envisions a café or convenient store there. He also called the site "a very visible location."

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A look at the current state of the building on Washington Street. WINCHESTER NEWS STAFF PHOTO/NEIL ZOLOT

"The town is 'all eyes' on this," Planning Board member Keri Layton said. "We should know the project inside and out."

Massachusetts General Law 40B is the so-called "Comprehensive Permit Act" or anti-snob zoning, which eliminates separate permits for developers from various boards in favor of one permit from the Zoning Board of Appeals in order to promote affordable housing.

Projects are not required to comply with height limitations, required distances from property boundaries, how much green space must be left on a parcel, how many parking spaces must be provided, and other criteria. They are even allowed certain latitudes with building ordinances such as solar and net zero requirements. In exchange for 20-25% affordable housing, a 40B development is able to sidestep zoning ordinances and municipal requirements

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The state has imposed a 10% threshold of affordable housing for communities to avoid 40B. Safe Harbor is a term to describe the protections a city enjoys when in compliance with the state requirement of affordable housing. An incentive to communities is that all units, regardless of their affordability, count as affordable units in calculations as to whether it meets the threshold for Safe Harbor.

What's affordable mean?

How inexpensive affordable housing units are or having the means to live in the building's market-rate units is still an open question.

The proposed development will feature 16 affordable units, comprised of 10 one-bedroom apartments, 4 two-bedroom apartments and 2 three bedroom apartments. Of the 16 affordable units, 2 units will be at 60% of Area Median Income (AMI) and 14 units will be at 80% of AMI.

According to the presentation, 60% AMI for a 1 bedroom would be $1,861 and a 2 bedroom would be $2,233. 80% AMI for a 1 bedroom would be $2,481, 2 bedroom would be $2,977 and 3 bedroom would be $3,440.

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The building currently being eyed for a 40B apartment complex as it looks now. WINCHESTER NEWS STAFF PHOTO/NEIL ZOLOT

The town bought the Washington/Swanton property for $5.27 million in 2021, issued a Request For Proposal in June 2022, sold and entered into a Land Development Agreement (LDA) with Melanson in November 2022.

In May 2023, MDG received an eligibility letter from the Massachusetts Housing Partnership, in part due to written remarks submitted by the Select Board.

"For reasons set forth herein, the Board provides its enthusiastic support for the application and looks forward to working with the applicant, the ZBA in the ongoing review, permitting and construction of the proposed project," the letter read. "The property is an underutilized site situated in a high visibility area close to the Town center, transportation and other amenities. Redevelopment has long be priority for the Board and Town. Accordingly, the Town exercised its

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eminent domain authority to acquire the property and then issued proposals for its redevelopment.

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“The Board has accepted the applicant's proposal and executed an LDA, which sets forth the terms for permitting and redevelopment,” the letter continued. “Two requirements of note in the LDA are the proposal includes 16 affordable units, 2 of which will be rented to households earning or at or below 60% of the AMI; the remaining 14 at or below 80% of the AMI. LDA requires Melanson to deed-restrict the land in perpetuity for affordable housing.”

The ZBA meeting

“In 2018, the town committed to solving the affordable housing problem,” Select Board member Michael Bettencourt told the ZBA on May 21. “We put together a Housing Production Plan (HPP) committed to providing affordable housing. We have a lot of faith in this project. Projects like this don’t get to this point without a partnership and we have a great partner in MDG.”

The meeting continued with presentations on the project’s design, landscaping, stormwater drainage and car and pedestrian traffic, all of which will be dealt with individually in future meetings.

“We can whittle it down if we think it’s more expansive than we need,” Talerman said.

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A May 21 meeting before the ZBA addressed traffic, landscaping and lack of stormwater drainage at the Washington/Swanton streets intersection where a 40B project would be located. WINCHESTER NEWS STAFF PHOTO/NELL ESCOBAR COAKLEY

Among comments were designer Larry Reiss saying the building would have “a semi-urban feel, with a row house feel as opposed to a large block;” landscaping consultant Michael Radner saying sidewalks would be replaced; and Vaughn, who added there was no stormwater drainage system in the area.

Consultant Scott Thornton also addressed the issue of traffic in the area.

“We looked at existing conditions and what it would look like with the project,” he said. “When we added the traffic into the study, there weren’t really any changes.”

In discussion, ZBA member David Feigenbaum said he’d like to se information on facades with samples on colors, in part in reactio

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saying, “We worked hard to have a traditional palette to reflect the residences in the area.”

“I understand you’ve worked hard to make it not flat, but I want to understand the extent it’s three dimensional,” Feigenbaum said. “This is a critically important building to the town. It will be prominent. We need to pay attention as to how it’s constructed, so when we walk down the street, we’ll be proud.”

This dovetailed with a letter from the Design Review Committee read by ZBA Chair Dorothy Simboli, which called the facades “busy” and the materials “trendy that may not wear well.”

Simboli also read a letter from resident Alyssa Loring, which expressed concern about traffic. Testimony from residents Birgit Bishop, Susan Carney and Joseph Scotti also concerned traffic, while Mark Felbowtiz expressed concern about landscaping and setbacks.

Ann Sera said she’s concerned about water runoff affecting houses downhill from the proposed project.

Planning Board members are wondering how involved they’ll be.

“This is a much bigger project than adding a deck,” Town Planner Taylor Herman said at the board’s meeting May 20. “The ZBA is asking if you want to hire a design consultant. It doesn’t mean one will be hired. It’s a question if one might be.

“I implore you to have a serious discussion with the ZBA about how the Planning Board should be involved. There’ll have to be a conversation with the ZBA if the Planning Board wants to have, not a say, but a part in the process,” Herman continued. “It’s a ZBA decision, but it’ll be up t
and Planning Board as to what the project will look like. We’re fairly

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limited as to what can be changed because a lot of the design is mandated in the LDA, built it will evolve and we need to stay on top of it. We need to make sure it's a good property for the community."

The current site of a proposed 40B project is overrun and condemned. WINCHESTER NEWS STAF PHOTO/NEIL ZOLOT

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"We need to keep the developer's feet to the fire," Planning Board member Nick Rossettos said.

"If there's nothing that needs to be changed, if they just want a rubber stamp, we won't do much, but if we think there's input, we should do that," Planning Board Chair Brian Vernaglia said. "If we can have an impact, we should. If not, we can go about our business."

Vernaglia added the 2,000+ page packet presented to the town is "impossible to digest."

"We need to have smaller packets," he said. "It would be helpful if we had sub-packets."

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